MONTANA LEGISLATIVE HISTORY

Chapter 412 19 93

Bill H 648 S _____ Original bill & history X C

H. Committee on	Ag. Livestock + Irrig.		S. Committee on	Ag. Livestock + Irrig.	
Hearing Date(s)	Feb 18	✓ C	Hearing Date(s)	Mar 05	✓ C
		C			C
		C			C
		C			C
Date Out	Feb 15	✓ C		Mar 08	✓ C

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____ Report _____

CHAPTER NUMBER 291
EFFECTIVE DATE: 04/07/93

HB 647 INTRODUCED BY BERGSAGEL, ET AL.

CONSTITUTIONAL AMENDMENT TO PLACE LIMIT ON STATE GOVERNMENT SPENDING

2/17	INTRODUCED		
2/17	REFERRED TO APPROPRIATIONS		
2/17	FIRST READING		
3/04	HEARING		
3/18	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/26	MISSED TRANSMITTAL DEADLINE		

HB 648 INTRODUCED BY ANDERSON, ET AL.

REVISE LIVESTOCK LAWS; INCLUDE ALPACAS IN LIVESTOCK LAWS AND EXEMPT LLAMAS FROM BRAND REQUIREMENTS

BY REQUEST OF HOUSE AGRICULTURE, LIVESTOCK, AND IRRIGATION COMMITTEE

2/17	INTRODUCED		
2/17	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION		
2/17	FIRST READING		
2/18	HEARING		
2/19	COMMITTEE REPORT—BILL PASSED		
2/19	PLACED ON CONSENT CALENDAR		
2/22	3RD READING PASSED	92	5
	TRANSMITTED TO SENATE		
3/01	FIRST READING		
3/01	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION		
3/05	HEARING		
3/08	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/09	2ND READING CONCURRED	45	3
3/10	3RD READING CONCURRED	44	2
	RETURNED TO HOUSE WITH AMENDMENTS		
3/31	2ND READING AMENDMENTS CONCURRED	83	10
4/02	3RD READING AMENDMENTS CONCURRED	95	5
4/07	SIGNED BY SPEAKER		
4/13	SIGNED BY PRESIDENT		
4/14	TRANSMITTED TO GOVERNOR		
4/19	SIGNED BY GOVERNOR		

CHAPTER NUMBER 417
EFFECTIVE DATE: 10/01/93

HB 649 INTRODUCED BY WANZENRIED, ET AL.

IMPOSE 8-MILL STATEWIDE PROPERTY TAX LEVY FOR PUBLIC ASSISTANCE

2/19	INTRODUCED
2/19	REFERRED TO TAXATION
2/19	FIRST READING
2/19	FISCAL NOTE REQUESTED
3/02	FISCAL NOTE RECEIVED
3/03	FISCAL NOTE PRINTED
3/04	HEARING
3/31	MISSED TRANSMITTAL DEADLINE

HOUSE BILL NO. 648

INTRODUCED BY ANDERSON, KELLER, SCHWINDEN,
SPRING, BIRD, BACHINI, DAVIS, BRANDEWIE
BY REQUEST OF THE HOUSE COMMITTEE ON AGRICULTURE

IN THE HOUSE

FEBRUARY 17, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION.
	FIRST READING.
FEBRUARY 19, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
	POSTED ON CONSENT CALENDAR.
FEBRUARY 20, 1993	CONSENT CALENDAR, QUESTIONS AND ANSWERS.
	ENGROSSING REPORT.
FEBRUARY 22, 1993	THIRD READING, PASSED. AYES, 92; NOES, 5.
FEBRUARY 23, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 1, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION.
	FIRST READING.
MARCH 8, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 9, 1993	SECOND READING, CONCURRED IN.
MARCH 10, 1993	THIRD READING, CONCURRED IN. AYES, 44; NOES, 2.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 31, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 2, 1993	THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

House BILL NO. 648

INTRODUCED BY Anderson Keller Schubert Bird

Pachuca

BY REQUEST OF THE HOUSE COMMITTEE ON AGRICULTURE

Davis Brandewie

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LIVESTOCK LAWS; INCLUDING ALPACAS IN THE LAWS RELATING TO THE CONTAINMENT OF LIVESTOCK AND THE UNAUTHORIZED MOVEMENT OR TRANSPORTATION OF LIVESTOCK; PROVIDING FOR THE TAXATION OF ALPACAS; EXEMPTING LLAMAS FROM BRAND REQUIREMENTS; AND AMENDING SECTIONS 15-24-921, 81-2-702, 81-3-201, 81-4-201, 81-4-214, 81-4-215, 81-4-306, 81-4-401, 81-4-402, 81-4-601, 81-5-101, AND 81-5-104, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 15-24-921, MCA, is amended to read:

"**15-24-921. Per capita tax levy to pay expenses of enforcing livestock laws.** (1) In addition to appropriations made for such purposes, a per capita tax is hereby authorized and directed to be levied by the county assessor on all poultry and bees, all swine 3 months of age or older, and all other livestock 9 months of age or older in each county of this state for the purpose of aiding in the payment of the salaries and all expenses connected with the enforcement of the livestock laws of the state and for the payment of bounties on wild animals as hereinafter

specified.

(2) As used in this section, "livestock" means cattle, sheep, swine, poultry, bees, goats, horses, mules, asses, llamas, alpacas, domestic bison, and domestic ungulates."

Section 2. Section 81-2-702, MCA, is amended to read:

"**81-2-702. Definitions.** As used in this part, the following definitions apply:

(1) "Animals" means livestock, dogs, cats, rabbits, rodents, game animals, game farm animals, fur-bearing and wild animals, and poultry and other birds.

(2) "Biologics" means medicinal preparations made from living organisms and their products. It includes but is not limited to serums, vaccines, antigens, and antitoxins.

(3) "Department" means the department of livestock.

(4) "Health certificate" means a legible record written on an official health certificate form of the state of origin or on an equivalent form of the U.S. department of agriculture attesting that the animals, animal semen, or animal biologics described ~~thereon~~ on the certificate have been visually inspected by a federally accredited veterinarian and found to meet the entry requirements of the state of Montana.

(5) "Livestock" means cattle, horses, mules, asses, sheep, llamas, alpacas, bison, swine, and goats.

(6) "Permit" means an official document issued by the

HB 648

INTRODUCED BILL

department after proper application that allows the movement of animals, animal semen, or animal biologics into Montana.

(7) "Poultry" means domesticated birds, including but not limited to chickens, turkeys, ducks, geese, guinea fowl, pigeons, and pheasants."

Section 3. Section 81-3-201, MCA, is amended to read:

"81-3-201. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Deputy state stock inspector" means a person designated by the department as a deputy state stock inspector who does not receive a salary or compensation from the department.

(2) "Feedlot" means a confined livestock feeding operation where the owner or operator of the feedlot feeds livestock belonging to others for a fee.

(3) "Livestock" means any bovine animal, horse, mule, or ass, regardless of its age or sex, and includes ~~llama,~~ bison, sheep, and elk.

(4) "Person" means an individual, partnership, corporation, association, firm, or any entity not enumerated capable of owning or controlling livestock.

(5) "State stock inspector" means an employee of the department of livestock designated by the department as a state stock inspector."

Section 4. Section 81-4-201, MCA, is amended to read:

"81-4-201. Swine, sheep, llamas, alpacas, bison, and goats running at large. It is unlawful for any owner or person in control of swine, sheep, llamas, alpacas, bison, or goats to willfully permit the **same** animals to run at large."

Section 5. Section 81-4-214, MCA, is amended to read:

"81-4-214. Branding animals running at large -- running irons prohibited. Every person except an owner, and **he** the owner only when branding on ~~his~~ the owner's own premises and in the presence of two responsible citizens, who marks or brands any calf or cattle that are running at large between December 1 and May 10 of the next ensuing year and every person who shall at any time brand or cause to be branded or marked any horse, mule, cattle or head of cattle, sheep, llama, alpaca, bison, swine, or other animal, 1 year old or older, with any piece of metal or implement, other than a branding iron, which branding iron ~~shall~~ must be of the same design as the brand or mark owned by the party using it, or who ~~shall so mark~~ marks or **brand** brands or **cause** causes to be marked or branded any of the animals ~~aforesaid~~ listed in this section with any piece or pieces of iron called "running irons", such as bars, rings, half or quarter circles, is punishable by imprisonment in the county jail for not exceeding 6 months or by a fine of not less than $25 or more than $500, or both."

Section 6. Section 81-4-215, MCA, is amended to read:

"81-4-215. Liability of owners of stock for trespass. If any cattle, horses, mules, asses, hogs, sheep, llamas, alpacas, bison, or other domestic animals break into any enclosure~~,~~ and the fence ~~being~~ of the enclosure is legal, as provided in 81-4-101, the owner of ~~such~~ the animals is liable for all damages to the owner or occupant of the enclosure ~~which may be sustained thereby~~. This section ~~must~~ may not be construed ~~so as~~ to require a legal fence in order to maintain an action for injury done by animals running at large contrary to law."

Section 7. Section 81-4-306, MCA, is amended to read:

"81-4-306. Penalty for permitting animals to run at large in herd districts. (1) Any person who is the owner or entitled to the possession of any horses, mules, cattle, sheep, llamas, alpacas, bison, asses, hogs, or goats, who willfully permits ~~such~~ the animals to run at large within any herd district, is guilty of a misdemeanor and upon conviction ~~thereof~~ shall be punished by a fine of not less than $50 or more than $250 for each offense. Each day that each five head or less of ~~such~~ horses, mules, cattle, sheep, llamas, alpacas, bison, asses, hogs, or goats are willfully permitted to run at large constitutes a separate offense.

(2) Any person who is the owner or entitled to the possession of any bull, stallion, or jackass over 1 year of

age who willfully permits ~~such~~ the animal to run at large within any herd district is guilty of a misdemeanor and upon conviction ~~thereof~~ shall be punished by a fine of not less than $50 or more than $250 for each offense. Each day that a bull is permitted to run at large constitutes a separate offense."

Section 8. Section 81-4-401, MCA, is amended to read:

"81-4-401. Certain livestock not to run at large in municipalities. ~~No--horses~~ Horses, cattle, mules, sheep, llamas, alpacas, bison, goats, or swine may not be allowed to run at large in any incorporated city or town."

Section 9. Section 81-4-402, MCA, is amended to read:

"81-4-402. Punishment for permitting trespass of livestock. Any person owning livestock or having in charge any horses, mules, cattle, sheep, llamas, alpacas, bison, goats, or swine who willfully and unlawfully permits ~~such~~ the livestock to trespass in violation of any of the provisions of 81-4-401 is guilty of a misdemeanor and upon conviction ~~thereof~~ shall be punished as provided by law."

Section 10. Section 81-4-601, MCA, is amended to read:

"81-4-601. Estray defined. In this part, "estray" means a horse, mule, mare, gelding, colt, llama, alpaca, bison, cow, ox, bull, stag, steer, heifer, calf, sheep, or lamb:

(1) not bearing a brand and the ownership of which cannot be determined by the stock inspector of the district

in which the animal is found by inquiry among reputable resident stock owners or freeholders;

(2) bearing a recorded brand, the owner of which brand cannot be located at or through the post office designated on the records of the department or which owner cannot be located by the stock inspector of the district where the estray is found by inquiry among reputable resident stock owners or freeholders; or

(3) which bears an unrecorded brand, the owner of which unrecorded brand cannot be ascertained by the stock inspector of the district in which the animal is found by inquiry among reputable resident stock owners or freeholders."

Section 11. Section 81-5-101, MCA, is amended to read:

"**81-5-101. Moving livestock from customary range forbidden.** Every person who willfully moves or causes to be moved any cattle, horses, mules, swine, llamas, alpacas, bison, or sheep from their customary range without the permission of the owner ~~thereof~~ is punishable by imprisonment in the county jail not exceeding 90 days or by fine not exceeding $100, or both."

Section 12. Section 81-5-104, MCA, is amended to read:

"**81-5-104. Stolen livestock -- seizure and forfeiture of vehicle used to transport.** (1) The use of any vehicle for the transportation of any stolen mule, horse, mare, colt,

foal, filly, sheep, lamb, cow, calf, heifer, steer, bull, llama, alpaca, bison, hogs, poultry, or the products of any ~~thereof~~ listed animals is unlawful, and ~~such~~ the vehicle ~~shall~~ must be forfeited to the state. Any vehicle found in ~~such~~ use or upon probable cause believed to be devoted wholly or in part to ~~such~~ the use ~~shall~~ must be seized and held.

(2) Within 45 days after the seizure, any peace officer or officer of the agency that seizes any property shall file a petition to institute forfeiture proceedings with the clerk of the district court of the county in which the seizure occurs. The clerk shall issue a summons at the request of the petitioning party, who shall cause the ~~same~~ summons to be served upon all owners or claimants of the property by one of the following methods:

(a) upon an owner or claimant whose address is known, by personal service of a copy of the petition and summons as provided in the Montana Rules of Civil Procedure;

(b) upon an owner or claimant whose address is unknown but who is believed to have an interest in the property, by publication of the summons in one issue of a newspaper of general circulation in the county where the seizure occurred or, if there is no ~~such~~ newspaper, by publication in one issue of a newspaper of general circulation in an adjoining county, and by mailing a copy of the petition and summons to

1 the most recent address of ~~such~~ the owner or claimant, if
2 any, shown in the records of the division of motor vehicles.
3 (3) A vehicle is not subject to forfeiture under this
4 section if:
5 (a) it is a stolen vehicle at the time it is used for
6 ~~such~~ the unlawful transportation; or
7 (b) the owner ~~thereof~~ is not in collusion with the
8 party or parties guilty of the theft."

-End-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION

Call to Order: By **CHAIRMAN VERN KELLER**, on February 18, 1993, at 3:00 P.M.

ROLL CALL

Members Present:

Rep. Vern Keller, Chairman (R)
Rep. Joe Barnett, Vice Chairman (R)
Rep. Shiell Anderson (R)
Rep. Bob Bachini (D)
Rep. Jody Bird (D)
Rep. Ervin Davis (D)
Rep. Bill Endy (D)
Rep. Harriet Hayne (R)
Rep. Don Larson (D)
Rep. Gary Mason (R)
Rep. Bill Rehbein (R)
Rep. Sam Rose (R)
Rep. Dore Schwinden (D)
Rep. Wilbur Spring (R)
Rep. Wayne Stanford (D)
Rep. Jay Stovall (R)

Members Excused: None

Members Absent: None

Staff Present: Connie Erickson, Legislative Council
Jaelene Racicot, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: HB 648
Executive Action: HB 648, HB 477, HB 564

HEARING ON HB 648

Opening Statement by Sponsor:

REP. ANDERSON, HD 81, Livingston, stated that HB 648 would include alpacas in the livestock laws. **REP. ANDERSON** added that HB 648 took llamas out of the branding and marking provisions of the livestock law.

Proponents' Testimony:

John Northy, who owns alpacas, stated that alpacas are a cousin to the llama but they are presently not included in the livestock laws. Mr. Northy urged the committee to pass HB 648. **EXHIBIT 1.**

Cork Mortensen, Department of Livestock, stated that they concur with what Mr. Northy has stated.

Opponents' Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor:

REP. ANDERSON closed.

EXECUTIVE ACTION ON HB 648

Motion/Vote: **REP. LARSON MOVED HB 648 DO PASS.** The motion carried unanimously.

REP. BACHINI requested HB 648 be placed on the consent calendar. The committee had no objections.

EXECUTIVE ACTION ON HB 564

Motion: **REP. MASON MOVED HB 564 DO PASS.**

Motion: **REP. BACHINI** moved to adopt the amendments

Discussion: **Ms. Erickson** explained the amendments.

REP. BACHINI asked **Mr. Peck** if the Montana Grain Growers Association and the Montana Grain Elevators Association have been involved with the amendments. **Mr. Peck** stated that they agreed with the amendments.

REP. BACHINI asked how the $232 fee was determined. **Mr. Peck** stated that the Montana Grain Elevators Association passed a resolution at their annual meeting that they would support 50% of the funding of their program through fees. **Mr. Peck** stated the $232 was 50% of the funding of their program. **Mr. Peck** stated that the grain elevators supported a one fee concept.

REP. ROSE stated that he questioned the fairness of the fees. He stated that General Mills could afford to pay the $232 but the smaller elevators may have a tougher time. **Mr. Peck** stated that at first there was a tiered fee structure in the bill that was then discussed by the Association. **Mr. Peck** stated that the Association agreed to go to a $232 flat fee schedule.

HOUSE OF REPRESENTATIVES

AGRICULTURE, LIVESTOCK, & IRRIGATION **COMMITTEE**

ROLL CALL **DATE** 2/18/93

NAME	PRESENT	ABSENT	EXCUSED
REPRESENTATIVE SHIELL ANDERSON	✓		
REPRESENTATIVE BOB BACHINI	✓		
REPRESENTATIVE JOE BARNETT V.C.	✓		
REPRESENTATIVE JODY BIRD	✓		
REPRESENTATIVE ERVIN DAVIS	✓		
REPRESENTATIVE BILL ENDY	✓		
REPRESENTATIVE HARRIET HAYNE	✓		
REPRESENTATIVE DON LARSON MIN. V.C.	✓		
REPRESENTATIVE GARY MASON	✓		
REPRESENTATIVE BILL REHBEIN	✓		
REPRESENTATIVE SAM ROSE	✓		
REPRESENTATIVE DORE SCHWINDEN	✓		
REPRESENTATIVE WILBUR SPRING	✓		
REPRESENTATIVE WAYNE STANFORD	✓		
REPRESENTATIVE JAY STOVALL	✓		
CHAIRMAN VERN KELLER	✓		

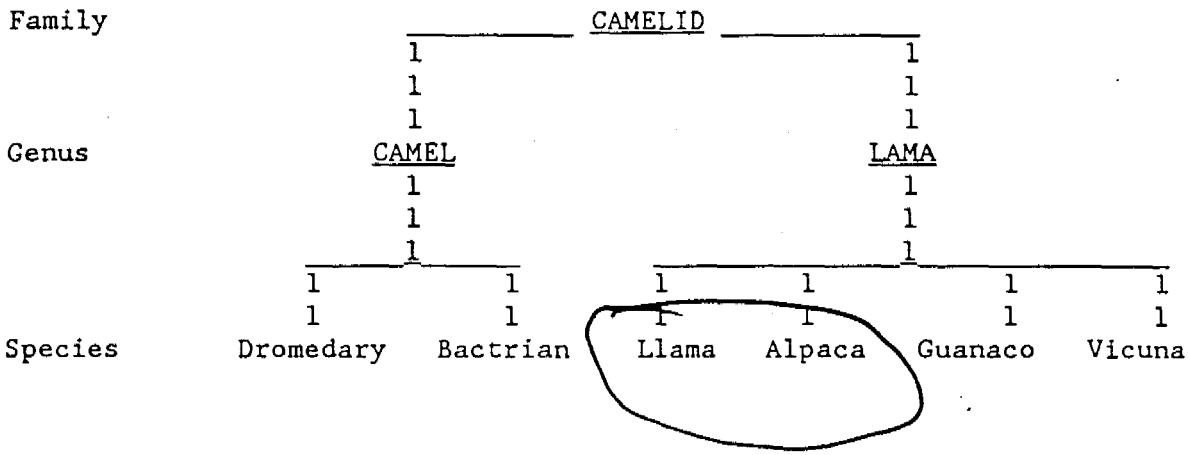
HOUSE STANDING COMMITTEE REPORT

February 19, 1993

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that House Bill 648 (first reading copy -- white) do pass and be placed on consent calendar .

Signed: _____
Vern Keller, Chair

EXHIBIT 1
DATE 2/18/93
HB 648



Don Smoot, Smoot Honey Company Inc., Power, Montana, supported HB 181.

Paul Pederson, Arrowhead Apiaries, Deer Lodge, supported HB 181.

Toby Sorenson supported HB 181.

Jim Decker, Beartooth Apiaries, Billings supported HB 181.

Ralph Peck, Department of Agriculture, read a letter from Leo Giacometto in support of HB 181. (Exhibit #4)

Opponents' Testimony:
None

Questions From Committee Members and Responses:
Sen. Forrester asked if mites come from leaf cutter bees as well. Mr. Kissinger, Department of Agriculture, said there are no cross infestations because they are different genuses.

Closing by Sponsor:
Rep. Barnett closed.

EXECUTIVE ACTION ON HB 181

Motion/Vote: Sen. Halligan MOVED HB 181 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

Sen. Burnett agreed to carry the bill.

HEARING ON HB 648

Opening Statement by Sponsor:
Rep. Anderson, District 81, said HB 648 went directly to the House consent calendar. HB 648 would basically include alpacas into the same statues where llamas are mentioned in Montana livestock law. He said the Department of Revenue had an amendment relating to taxation. Alpacas would be exempt from brand inspection requirements, as well as llamas.

Proponents' Testimony:
John Northey, llama owner, explained llamas and alpacas were in the same genus (Exhibit #5). In 1989, legislation was enacted to include all species, but the misspelling of the Genus "Lama" (it was spelled llama instead of lama) resulted in alpacas being left out. HB 648 would add alpacas back into the law thus correcting the previous error. He said Section 1, page 2, relates to the per capita tax on livestock and adds alpacas. He said the

Department of Revenue pointed out that alpacas were also taxed under ad valorem statutes and Jeff Morrison, Department of Revenue had an amendment which he supported. Llamas were taxed ad valorem under personal property tax. Llamas are not branded but have an International Registry which identifies them by pictures and physical descriptions. He said the Department of Livestock approves removing Lamas from the branding laws.

Cork Mortensen, Board of Livestock, supported the amendment and HB 648.

Ken Morrison, Administrator of Property Assessment Division, Department of Revenue, presented amendments for HB 181 (Exhibit #6).

Opponents' Testimony:
None

Questions From Committee Members and Responses:
Sen. Halligan asked how including alpacas in with other ungulates would affect the taxation. Mr. Morrison said all items that were being added to the definition were already taxed, and were taxed because they were not specifically exempt. He said he did not believe there would not be a change in taxable percentage.

Sen. Aklestad asked about the spelling of llama and alpaca, and the exemption of llamas from brand requirements. Mr. Morrison said any defined livestock animal which was moved across county lines needs a brand inspection. There has not been concern in the past with llama brands because each llama is readily identifiable, unlike a herd of cattle, for example. There would be not change in requirements for health inspections which was covered under another section of Montana law, but alpacas would be added to the definition. Mr. Northey said llamas would be removed from the brand requirements under current law and alpacas would be exempt under HB 648 thus making it equal for both species.

Closing by Sponsor:
Rep. Anderson said HB 648 was a straight-forward clarification bill and asked for a Be Concurred In.

EXECUTIVE ACTION ON HB 648

Motion/Vote: Sen. Beck MOVED AMENDMENTS TO HB 648, proposed by the Department of Revenue. The motion CARRIED UNANIMOUSLY.

Motion/Vote: Sen. Beck MOVED HB 648 BE CONCURRED IN AS AMENDED. The motion CARRIED UNANIMOUSLY.

Senator Beck agreed to carry the bill.

Discussion: Doug Sternberg said the amendments had been adopted in substance but had not been drafted. He said at this point he saw no problems with the amendments, but he had not had an opportunity to check them thoroughly.

EXECUTIVE ACTION ON HB 167

Motion/Vote: Sen. Halligan MOVED HB 167 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

Sen. Halligan agreed to carry the bill.

ADJOURNMENT

Adjournment: Meeting adjourned at 4:02 p.m.

Jack "Doc" Rea
SENATOR REA, Chair

David Martin
DAVID MARTIN, Secretary

JR/dm

ROLL CALL

SENATE COMMITTEE Agriculture DATE 3-5-93

NAME	PRESENT	ABSENT	EXCUSED
Rea	✓		
Koehnke	✓		
Arlestad	✓		
Beck	✓		
Devlin			✓
Burnett	✓		
Halligan	✓		
Pipinich	✓		
Forrester	✓		
Bruski-Maus		✓	

SENATE STANDING COMMITTEE REPORT

March 8, 1993

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration House Bill No. 648 (first reading copy -- blue), respectfully report that House Bill No. 648 be amended as follows and as so amended be concurred in.

Signed: Jack "Doc" Rea
Senator Jack "Doc" Rea, Chair

That such amendments read:

1. Title, line 10.
Following: "SECTIONS"
Insert: "15-1-101,"

2. Page 1, line 15.
Following: line 14
Insert: "**Section 1.** Section 15-1-101, MCA, is amended to read:

"**15-1-101. (Temporary) Definitions.** (1) Except as otherwise specifically provided, when terms mentioned in this section are used in connection with taxation, they are defined in the following manner:

(a) The term "agricultural" refers to:

(i) the production of food, feed, and fiber commodities, livestock and poultry, bees, fruits and vegetables, and sod, ornamental, nursery, and horticultural crops that are raised, grown, or produced for commercial purposes; and

(ii) the raising of domestic animals and wildlife in domestication or a captive environment.

(b) The term "assessed value" means the value of property as defined in 15-8-111.

(c) The term "average wholesale value" means the value to a dealer prior to reconditioning and profit margin shown in national appraisal guides and manuals or the valuation schedules of the department of revenue.

(d) (i) The term "commercial", when used to describe property, means any property used or owned by a business, a trade, or a corporation as defined in 35-2-114 or used for the production of income, except that property described in subsection (ii).

(ii) The following types of property are not commercial:

(A) agricultural lands;

(B) timberlands and, beginning January 1, 1994, forest lands;

(C) single-family residences and ancillary improvements and improvements necessary to the function of a bona fide farm, ranch, or stock operation;

(D) mobile homes used exclusively as a residence except when held by a distributor or dealer of trailers or mobile homes as his stock in trade;

(E) all property described in 15-6-135; and

(F) all property described in 15-6-136.

(e) The term "comparable property" means property that has similar use, function, and utility; that is influenced by the same set of economic trends and physical, governmental, and social factors; and that has the potential of a similar highest and best use.

(f) The term "credit" means solvent debts, secured or unsecured, owing to a person.

(g) The term "improvements" includes all buildings, structures, fences, and improvements situated upon, erected upon, or affixed to land. When the department of revenue or its agent determines that the permanency of location of a mobile home or housetrailer has been established, the mobile home or housetrailer is presumed to be an improvement to real property. A mobile home or housetrailer may be determined to be permanently located only when it is attached to a foundation which cannot feasibly be relocated and only when the wheels are removed.

(h) The term "leasehold improvements" means improvements to mobile homes and mobile homes located on land owned by another person. This property is assessed under the appropriate classification and the taxes are due and payable in two payments as provided in 15-24-202. Delinquent taxes on such leasehold improvements are a lien only on such leasehold improvements.

(i) The term "livestock" means cattle, sheep, swine, goats, horses, mules, and asses, llamas, alpacas, bison, and domestic ungulates.

(j) The term "mobile home" means forms of housing known as "trailers", "housetrailers", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any "trailer", "housetrailer", or "trailer coach" up to 8 feet in width or 45 feet in length used as a principal residence.

(k) The term "personal property" includes everything that is the subject of ownership but that is not included within the meaning of the terms "real estate" and "improvements".

(l) The term "poultry" includes all chickens, turkeys, geese, ducks, and other birds raised in domestication to produce food or feathers.

(m) The term "property" includes moneys, credits, bonds, stocks, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership. This definition must not be construed to authorize the taxation of the stocks of any company or corporation when the property of such company or corporation represented by the stocks is within the

state and has been taxed.

(n) The term "real estate" includes:

(i) the possession of, claim to, ownership of, or right to the possession of land;

(ii) all mines, minerals, and quarries in and under the land subject to the provisions of 15-23-501 and Title 15, chapter 23, part 8; all timber belonging to individuals or corporations growing or being on the lands of the United States; and all rights and privileges appertaining thereto.

(o) "Research and development firm" means an entity incorporated under the laws of this state or a foreign corporation authorized to do business in this state whose principal purpose is to engage in theoretical analysis, exploration, and experimentation and the extension of investigative findings and theories of a scientific and technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(p) The term "taxable value" means the percentage of market or assessed value as provided for in Title 15, chapter 6, part 1.

(q) The term "weighted mean assessment ratio" means the total of the assessed values divided by the total of the selling prices of all area sales in the stratum.

(2) The phrase "municipal corporation" or "municipality" or "taxing unit" shall be deemed to include a county, city, incorporated town, township, school district, irrigation district, drainage district, or any person, persons, or organized body authorized by law to establish tax levies for the purpose of raising public revenue.

(3) The term "state board" or "board" when used without other qualification shall mean the state tax appeal board.

15-1-101. (Effective July 1, 1993) Definitions. (1) Except as otherwise specifically provided, when terms mentioned in this section are used in connection with taxation, they are defined in the following manner:

(a) The term "agricultural" refers to:

(i) the production of food, feed, and fiber commodities, livestock and poultry, bees, fruits and vegetables, and sod, ornamental, nursery, and horticultural crops that are raised, grown, or produced for commercial purposes; and

(ii) the raising of domestic animals and wildlife in domestication or a captive environment.

(b) The term "assessed value" means the value of property as defined in 15-8-111.

(c) The term "average wholesale value" means the value to a dealer prior to reconditioning and profit margin shown in national appraisal guides and manuals or the valuation schedules

(d) (i) The term "commercial", when used to describe property, means any property used or owned by a business, a trade, or a corporation as defined in 35-2-114 or used for the production of income, except that property described in subsection (ii).

(ii) The following types of property are not commercial:

(A) agricultural lands;

(B) timberlands and, beginning January 1, 1994, forest lands;

(C) single-family residences and ancillary improvements and improvements necessary to the function of a bona fide farm, ranch, or stock operation;

(D) mobile homes used exclusively as a residence except when held by a distributor or dealer of trailers or mobile homes as his stock in trade;

(E) all property described in 15-6-135; and

(F) all property described in 15-6-136.

(e) The term "comparable property" means property that has similar use, function, and utility; that is influenced by the same set of economic trends and physical, governmental, and social factors; and that has the potential of a similar highest and best use.

(f) The term "credit" means solvent debts, secured or unsecured, owing to a person.

(g) The term "improvements" includes all buildings, structures, fences, and improvements situated upon, erected upon, or affixed to land. When the department of revenue or its agent determines that the permanency of location of a mobile home or housetrailer has been established, the mobile home or housetrailer is presumed to be an improvement to real property. A mobile home or housetrailer may be determined to be permanently located only when it is attached to a foundation which cannot feasibly be relocated and only when the wheels are removed.

(h) The term "leasehold improvements" means improvements to mobile homes and mobile homes located on land owned by another person. This property is assessed under the appropriate classification and the taxes are due and payable in two payments as provided in 15-24-202. Delinquent taxes on such leasehold improvements are a lien only on such leasehold improvements.

(i) The term "livestock" means cattle, sheep, swine, goats, horses, mules, and asses<u>, llamas, alpacas, bison, and domestic ungulates</u>.

(j) The term "mobile home" means forms of housing known as "trailers", "housetrailers", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any "trailer", "housetrailer", or "trailer coach" up to 8 feet in width or 45 feet in length used as a principal residence.

(k) The term "personal property" includes everything that is the subject of ownership but that is not included within the meaning of the terms "real estate" and "improvements".

(l) The term "poultry" includes all chickens, turkeys, geese, ducks, and other birds raised in domestication to produce food or feathers.

(m) The term "property" includes moneys, credits, bonds, stocks, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership. This definition must not be construed to authorize the taxation of the stocks of any company or corporation when the property of such company or corporation represented by the stocks is within the state and has been taxed.

(n) The term "real estate" includes:

(i) the possession of, claim to, ownership of, or right to the possession of land;

(ii) all mines, minerals, and quarries in and under the land subject to the provisions of 15-23-501 and Title 15, chapter 23, part 8; all timber belonging to individuals or corporations growing or being on the lands of the United States; and all rights and privileges appertaining thereto.

(o) "Research and development firm" means an entity incorporated under the laws of this state or a foreign corporation authorized to do business in this state whose principal purpose is to engage in theoretical analysis, exploration, and experimentation and the extension of investigative findings and theories of a scientific and technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(p) The term "taxable value" means the percentage of market or assessed value as provided for in Title 15, chapter 6, part 1.

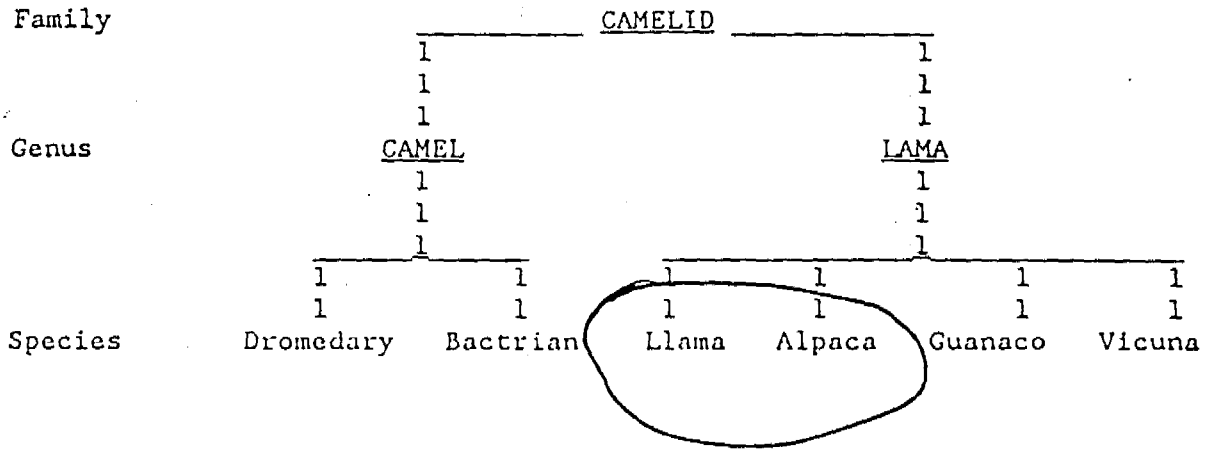
(2) The phrase "municipal corporation" or "municipality" or "taxing unit" shall be deemed to include a county, city, incorporated town, township, school district, irrigation district, drainage district, or any person, persons, or organized body authorized by law to establish tax levies for the purpose of raising public revenue.

(3) The term "state board" or "board" when used without other qualification shall mean the state tax appeal board."

Renumber: subsequent sections

-END-

AGRICULTURE
EXHIBIT NO. 5
DATE 3-5-93
BILL NO. HB 648



SENATE AGRICULTURE
EXHIBIT NO. 6
DATE 3-5-93
BILL NO. HB 648

Amendments to House Bill 648
Third Reading Copy

Prepared by Department of Revenue
3/ 4/93

1. Title, line 9.
Following: "REQUIREMENTS;"
Insert: "INCLUDING ALPACAS, LLAMAS, BISON AND DOMESTIC UNGULATES IN DEFINITION OF LIVESTOCK FOR PERSONAL PROPERTY TAXATION;"

2. Page 1.
Following: line 14
Insert: "**Section 1.** Section 15-1-101, MCA, is amended to read:

"**15-1-101. (Temporary) Definitions.** (1) Except as otherwise specifically provided, when terms mentioned in this section are used in connection with taxation, they are defined in the following manner:

(a) The term "agricultural" refers to:

(i) the production of food, feed, and fiber commodities, livestock and poultry, bees, fruits and vegetables, and sod, ornamental, nursery, and horticultural crops that are raised, grown, or produced for commercial purposes; and

(ii) the raising of domestic animals and wildlife in domestication or a captive environment.

(b) The term "assessed value" means the value of property as defined in 15-8-111.

(c) The term "average wholesale value" means the value to a dealer prior to reconditioning and profit margin shown in national appraisal guides and manuals or the valuation schedules of the department of revenue.

(d) (i) The term "commercial", when used to describe property, means any property used or owned by a business, a trade, or a corporation as defined in 35-2-114 or used for the production of income, except that property described in subsection (ii).

(ii) The following types of property are not commercial:

(A) agricultural lands;

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(D) mobile homes used exclusively as a residence except when held by a distributor or dealer of trailers or mobile homes as his stock in trade;

(E) all property described in 15-6-135; and

(F) all property described in 15-6-136.

(e) The term "comparable property" means property that has similar use, function, and utility; that is influenced by the same set of economic trends and physical, governmental, and social factors; and that has the potential of a similar highest and best use.

(f) The term "credit" means solvent debts, secured or unsecured, owing to a person.

(g) The term "improvements" includes all buildings, structures, fences, and improvements situated upon, erected upon, or affixed to land. When the department of revenue or its agent determines that the permanency of location of a mobile home or housetrailer has been established, the mobile home or housetrailer is presumed to be an improvement to real property. A mobile home or housetrailer may be determined to be permanently located only when it is attached to a foundation which cannot feasibly be relocated and only when the wheels are removed.

(h) The term "leasehold improvements" means improvements to mobile homes and mobile homes located on land owned by another person. This property is assessed under the appropriate classification and the taxes are due and payable in two payments as provided in 15-24-202. Delinquent taxes on such leasehold improvements are a lien only on such leasehold improvements.

(i) The term "livestock" means cattle, sheep, swine, goats, horses, mules, ~~and~~ asses, llamas, alpacas, bison, and domestic ungulates.

(j) The term "mobile home" means forms of housing known as "trailers", "housetrailers", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any "trailer", "housetrailer", or "trailer coach" up to 8 feet in width or 45 feet in length used as a principal residence.

(k) The term "personal property" includes everything that is the subject of ownership but that is not included within the meaning of the terms "real estate" and "improvements".

(l) The term "poultry" includes all chickens, turkeys, geese, ducks, and other birds raised in domestication to produce food or feathers.

(m) The term "property" includes moneys, credits, bonds, stocks, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership. This definition must not be construed to authorize the taxation of the stocks of any company or corporation when the property of such company or corporation represented by the stocks is within the state and has been taxed.

(n) The term "real estate" includes:

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(o) "Research and development firm" means an entity incorporated under the laws of this state or a foreign corporation authorized to do business in this state whose principal purpose is to engage in theoretical analysis, exploration, and experimentation

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and the extension of investigative findings and theories of a scientific and technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(p) The term "taxable value" means the percentage of market or assessed value as provided for in Title 15, chapter 6, part 1.

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{Internal References to 15-1-101:

15-1-201	15-6-133	15-6-134	15-6-145 (3)
15-7-111	15-7-202	15-8-201	15-16-202
15-24-202	15-24-901	20-15-403	61-3-303
61-3-502 (2)	61-3-503 (2)	69-12-331}	

Renumber: subsequent sections

REASON FOR AMENDMENT: This amendment includes alpacas, bison, llamas, and other domestic ungulates as "livestock" for personal property tax purposes. This amendment fulfills the initial intent of the bill that alpacas be treated the same as other livestock for all purposes. It also ensures that the species of animals that are subject to the per capita tax levy receive consistent treatment under the personal property taxation.

DATE 3-5-93

SENATE COMMITTEE ON AGRICULTURE

BILLS BEING HEARD TODAY: HB 167, HB 181, HB 648

Name	Representing	Bill No.	Check One Support	Oppose
Jane R. Barry	MT Assn of Nurserymen	HB167	✓	
Jim Decker	MT. State Beekeepers	HB 181	✓	
Dee Decker	Mt. State Beekeepers	HB 181	✓	
Harold McGaughey	Earth & Wood Craftsmen Inc	HB 167	✓	
Paul Peterson	Arrowhead Apairies	HB 181	✓	
Ralph Peck	Mt Dept of Ag	HB 167 HB 181	✓ ✓	
Les Pederson	Shades of Green	HB167	✓	
Will Kissinger	Mt Dept. of Agr	HB 167 HB 181	✓	
Cork Mortensen	Dept. of Livestock	648	✓	
Rodney J. Sorensen	Sorensen Honey	181	✓	
Don Smoot	Smoot Honey Co.	181	✓	
James V. Sundberg	Sunshine Apiary Mt Columbus	181	✓	
Robert V. Barnes	Beaverhead Honey Co. Dillon, MT	181	✓	
Kermit Slater	Slater's Honey	181	✓	
John McMahey	Mountain Spring Ranch	648	✓	
Billy Joe Arthur	Students of Montana	HB 167	✓	

Janet Ellis MT Audubon Leg. Fund

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY